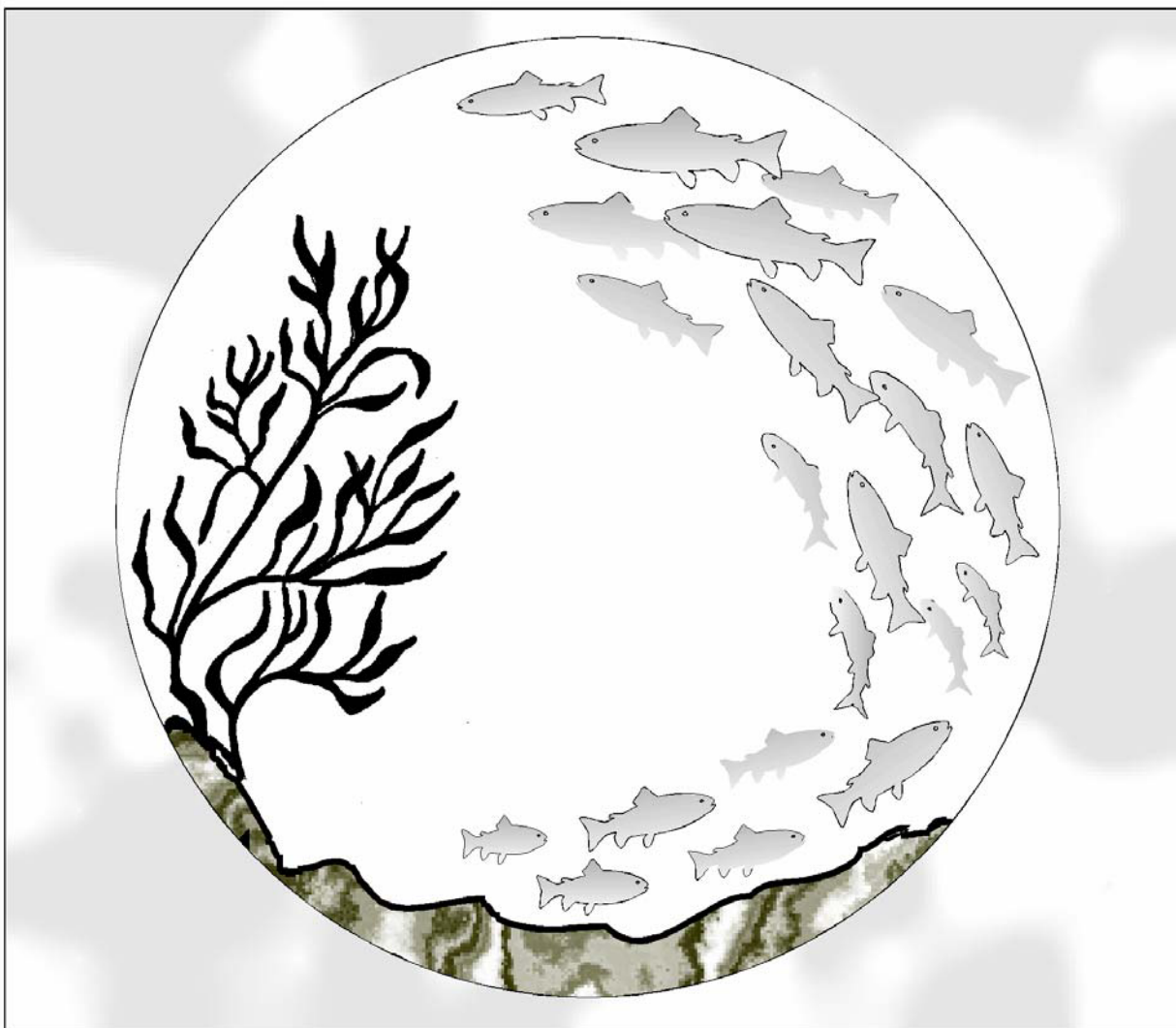




Magnuson-Stevens Fishery Conservation and Management Act



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

ATTACHMENT B TO SECOND
DECLARATION OF PATRICIA
KURKUL



Magnuson-Stevens Fishery Conservation and Management Act

As Amended Through January 12, 2007

**May 2007
Second Printing**

U.S. Department of Commerce
Carlos M. Gutiérrez, Secretary

National Oceanic and Atmospheric Administration
Vice Admiral Conrad C. Lautenbacher, Jr., USN (Ret.)
Under Secretary for Oceans and Atmosphere

National Marine Fisheries Service
William T. Hogarth, Assistant Administrator for Fisheries

MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

Public Law 94-265

**As amended by the Magnuson-Stevens Fishery Conservation and Management
Reauthorization Act (P.L. 109-479)**

AN ACT

**To provide for the conservation and management of the fisheries,
and for other purposes.**

TABLE OF CONTENTS

Sec. 2.	Findings, purposes, and policy	1
Sec. 3.	Definitions	4
Sec. 4.	Authorization of appropriations	12
TITLE I—UNITED STATES RIGHTS AND AUTHORITY REGARDING FISH AND FISHERY RESOURCES		13
Sec. 101.	United States sovereign rights to fish and fishery management authority.....	13
Sec. 102.	Highly migratory species	13
TITLE II—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS		14
Sec. 201.	Foreign fishing	14
Sec. 202.	International fishery agreements	22
Sec. 203.	Congressional oversight of international fishery agreements	25
Sec. 204.	Permits for foreign fishing.....	27
Sec. 205.	Import prohibitions	36
Sec. 206.	Large-scale driftnet fishing.....	38
HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT		42
Sec. 101.	Denial of port privileges and sanctions for high seas large-scale driftnet fishing	42
Sec. 102.	Duration of denial of port privileges and sanctions.....	44
Sec. 104.	Definitions	45
HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT		46
Sec. 603.	Prohibition	46
Sec. 604.	Negotiations.....	46
Sec. 605.	Certification	47
Sec. 606.	Enforcement.....	47
Sec. 607.	Biennial report on international compliance	48
Sec. 608.	Action to strengthen international fishery management organizations	49
Sec. 609.	Illegal, unreported, or unregulated fishing	50
Sec. 610.	Equivalent conservation measures.....	53
Sec. 207.	International monitoring and compliance.....	57
TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM.....		58
Sec. 301.	National standards for fishery conservation and management.....	58
Sec. 302.	Regional fishery management councils	59
Sec. 303.	Contents of fishery management plans.....	74
Sec. 303A.	Limited access privilege programs.....	79
Sec. 304.	Action by the Secretary.....	88
Sec. 305.	Other requirements and authority.....	97
Sec. 306.	State jurisdiction.....	111
Sec. 307.	Prohibited acts	115

Sec. 308. Civil penalties and permit sanctions	119
Sec. 309. Criminal offenses	121
Sec. 310. Civil forfeitures	122
Sec. 311. Enforcement	123
Sec. 312. Transition to sustainable fisheries	129
Sec. 313. North Pacific fisheries conservation	134
Sec. 314. Northwest Atlantic ocean fisheries reinvestment program	140
Sec. 315. Regional coastal disaster assistance, transition, and recovery program	141
Sec. 316. Bycatch reduction engineering program	144
Sec. 317. Shark feeding	145
Sec. 318. Cooperative research and management program	145
Sec. 319. Herring study	146
Sec. 320. Restoration study	147
TITLE IV—FISHERY MONITORING AND RESEARCH	148
Sec. 401. Registration and information management	148
Sec. 402. Information collection	152
Sec. 403. Observers	154
Sec. 404. Fisheries research	155
Sec. 405. Incidental harvest research	156
Sec. 406. Fisheries systems research	158
Sec. 407. Gulf of Mexico red snapper research	159
Sec. 408. Deep sea coral research and technology program	161
Appendix	162

Numbers in boldface indicate the number of the Public Law that amended the following provision.

*Bracketed material with an asterisk is text that is added, or replaces underlined language, and will be effective on the date the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary enters into force for the United States. See P.L. 102-251 and P.L. 104-297.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

104-297

(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

104-297

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

95-354

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

16 U.S.C. 1801
MSA § 2

101-627

(8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.

104-297

(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.

104-297

(10) Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth.

109-479

(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.

109-479

(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.

(b) PURPOSES.—It is therefore declared to be the purposes of the Congress in this Act—

99-659, 101-627, 102-251

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources[, and fishery resources in the special areas]*;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

104-297

(3) to promote domestic commercial and recreational fishing under sound conservation and management principles, including the promotion of catch and release programs in recreational fishing;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

101-627

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States;

95-354, 96-561, 104-297

(6) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development in a non-wasteful manner; and

104-297

(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.

(c) POLICY.—It is further declared to be the policy of the Congress in this Act—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act;

16 U.S.C. 1801-1802
MSA §§ 2-3

99-659, 101-627

(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;

101-627

(6) to foster and maintain the diversity of fisheries in the United States; and

104-297

(7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

SEC. 3. DEFINITIONS

16 U.S.C. 1802

As used in this Act, unless the context otherwise requires—

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

104-297

(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

104-297

(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing.

104-297

(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.